

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**AUG 26 1999**

**PATRICK FISHER**  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JEANETTE M. TRUJILLO,

Defendant-Appellant.

No. 99-2045

(D.C. No. CIV-98-1051-JC)  
(D. N.M.)

**ORDER AND JUDGMENT\***

Before **SEYMOUR**, Chief Judge, **BALDOCK**, and **HENRY**, Circuit Judges.\*\*

Defendant Jeanette M. Trujillo pled guilty in federal district court to armed bank robbery in violation of 18 U.S.C. § 2113(a) & (d) and 18 U.S.C. § 2. Plaintiff did not move to withdraw her guilty plea and did not perfect a direct criminal appeal. Instead, Plaintiff filed a petition to vacate her sentence under 28 U.S.C. § 2255 in the district court claiming ineffective assistance of counsel. According to Plaintiff, defense

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

\*\* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2)(C); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

counsel failed to properly advise her as to the consequences of her guilty plea. In a thorough Memorandum Opinion and Order, the district court summarily dismissed the petition. See Rule 4 of the Rules Governing § 2255 Petitions. Now before us is Plaintiff's application for a certificate of appealability. See 28 U.S.C. § 2253(c).

A defendant may appeal the denial of a § 2255 petition only if "a circuit justice or judge" issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B). A certificate of appealability "may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2). We conclude that Petitioner has failed to make the required showing.

We have thoroughly reviewed Defendant's application for a certificate of appealability, her brief, the district court's order, and the entire record before us. We conclude the Plaintiff's claims are meritless substantially for the reasons set forth in the district court's Memorandum Opinion and Order dismissing the petition. Because Plaintiff has not made a substantial showing of the denial of a constitutional right, we deny her request for a certificate of appealability and dismiss the appeal.

CERTIFICATE OF APPEALABILITY DENIED; APPEAL DISMISSED.

Entered for the Court,

Bobby R. Baldock  
Circuit Judge